

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERIC ALVAREZ,

Case No. 1:24-cv-686

Plaintiff,

McFarland, J.
Bowman, M.J.

v.

ERIC E. ALVAREZ, JR.,

Defendant.

REPORT AND RECOMMENDATION

On December 2, 2024, Plaintiff Eric Alvarez initiated litigation in this Court. On January 15, 2025, after granting Plaintiff leave to proceed *in forma pauperis*, or without payment of fees, the Court dismissed Plaintiff's complaint *sua sponte* without prejudice based upon a lack of subject matter jurisdiction. (See Docs. 4, 5, 6). On March 25, 2025, Plaintiff filed a Notice of Appeal, together with a motion that seeks leave to proceed on appeal *in forma pauperis*. (Docs. 7, 8).

As the Court previously explained, it lacks jurisdiction over this case because any possible claims that Plaintiff could state against the Defendant arise exclusively under state law and must be filed in state court. The lack of federal jurisdiction is beyond dispute. Therefore, **IT IS RECOMMENDED** that pursuant to 28 U.S.C. § 1915(a)(3), the Court certify that any appeal would not be taken in good faith and **DENY** Plaintiff's pending motion for leave to proceed *in forma pauperis* on appeal.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERIC ALVAREZ,

Case No. 1:24-cv-686

Plaintiff,

McFarland, J.
Bowman, M.J.

v.

ERIC E. ALVAREZ, JR.,

Defendant.

NOTICE

Pursuant to Fed. R. Civ. P 72(b), any party may serve and file specific, written objections to this Report and Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).